

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

May 15, 2009

THOMAS S. LARSON
SUPERVISING PROBATION OFFICER

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The Honorable William H. Walls, USDJ
United States Post Office & Courthouse
P.O. Box 999
Newark, NJ 07101-0999

RE: **United States v. Andres Peña**
Docket No.: 03-00755-001
Request for Authorization to Release
Information to ICE

Dear Judge Walls:

On January 25, 2006, Your Honor sentenced Andres Peña to time served (with the benefit of a 5K1.1 motion), three years supervised release and a \$100 special assessment for Conspiracy to Distribute and Possess with Intent to Distribute MDMA. Special conditions of supervision included drug testing/treatment, cooperation with Immigration and Customs Enforcement (ICE) and the collection of DNA.

Peña was supervised in this District between January 25, 2006, and January 24, 2009. In the time that Peña was supervised, he reported as directed, he maintained a stable residence, he did not sustain any known arrests and there was no evidence of alcohol/drug abuse or psychiatric episodes. In the latter part of his supervision, Peña had some difficulty securing/locating employment because his green card was no longer valid.

Shortly after Peña completed the period of supervision, he was arrested by ICE for removal from the United States. Peña has yet to be ordered deported by an immigration judge, and he is contesting his removal due to his cooperation in this case. (According to the assigned deportation officer, Peña's cooperation is irrelevant in the removal proceedings.) During the period of Peña's supervision, he reported receiving threatening telephone calls from family members of the co-defendants against whom he cooperated. Peña has made ICE officials aware of this, and he has requested that the undersigned indicate same in a letter which he will present at his next hearing in June 2009.

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We respectfully request Your Honor's authorization to release this information to ICE. Please advise where indicated below. As always, we are available to discuss this matter. The undersigned can be contacted at (973)357-4090.

Very truly yours,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer

By: Denise Morales
U.S. Probation Officer

/dm

cc: Serina Vash, AUSA

☒ Probation is authorized to release information to ICE.

☐ Probation is **not** authorized to release information to ICE.